

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LIONEL R. BROWN,)	8:14CV155
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE OF NEBRASKA,)	
)	
Respondent.)	

This matter is before the court on Petitioner Lionel Brown’s “Notice of Appeal” (Filing No. [23](#)) filed on April 29, 2015. This notice bears the case number assigned to Brown’s case by the Eighth Circuit Court of Appeals in *Brown v. Nebraska*, Case No. 14-2367 (8th Cir. 2014). This court previously dismissed Brown’s Petition for Writ of Habeas Corpus because it was a second or successive petition filed without the permission of the Eighth Circuit Court of Appeals. (Filing No. [10](#).) Brown appealed this court’s judgment, and the Eighth Circuit Court of Appeals denied a certificate of appealability on October 30, 2014. (*See* Filing No. [20](#).)

Brown set forth in his recently-filed notice of appeal that he seeks to appeal from the state court’s denial of his *state* habeas corpus petition. This court does not have jurisdiction to hear a direct appeal from a state court decision. [*Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415 \(1923\)](#); [*Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 476 \(1983\)](#). This court does, however, have original jurisdiction to entertain a petition for writ of habeas corpus brought by a state prisoner who claims the state court made an error of federal law. To the extent Brown seeks to bring such a petition, he must do so by filing an original action in this court, not an appeal.

IT IS THEREFORE ORDERED that: The court will not act on Brown's notice of appeal. The clerk of the court is directed to send a copy of Brown's notice of appeal (Filing No. [23](#)) to the Eighth Circuit Court of Appeals.

DATED this 30th day of April, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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